

TOWN OF NEW WINDSOR

ZONING BOARD

March 28, 2011

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
 RICHARD HAMEL
 FRANCIS BEDETTI

ALSO PRESENT: ANDREW KRIEGER, ESQ.
 ZONING BOARD ATTORNEY

 NICOLE JULIAN
 ZONING BOARD SECRETARY

ABSENT: PAT TORPEY
 HENRY SCHEIBLE

REGULAR MEETING:

MR. KANE: I'D like to call to order the Town of New Windsor Zoning Board of Appeals meeting for March 28, 2011.

PRELIMINARY MEETINGS:EUGENE HECHT (11-06)

MR. KANE: Tonight's first preliminary meeting Eugene Hecht, existing wall sign exceeds maximum length of 10 feet. The sign is 20 feet long. A variance is needed for 10 feet at 161 Windsor Highway in a C zone.
Mr. Hecht?

MS. JULIAN: I don't see him.

MR. KANE: Not here yet.

MICHAEL HUGHES (11-07)

MR. KANE: Second preliminary meeting Michael Hughes proposed addition of an accessory apartment on an existing detached garage will create two single family homes on a single building lot which is not permitted. The proposed addition of living space will not meet minimum rear yard setback. A variance of 33 feet is requested at 228 Parkway Drive in an R-4 zone. Let me explain that in New Windsor, we hold two meetings, we hold a preliminary meeting and then there by law has to be a public hearing. The reason we hold a preliminary meeting is so that we can get a general idea of what you want to do and make sure that you have all the information you need to make a good case. Where in other towns, you walk in, if you're not prepared, you don't have it right, you lose and you have to wait six months to come back. We feel even though it takes longer it's the right way to go about it. Step up close, state your name and address, speak loud enough for that young lady over there to hear you and tell us what you want to do.

MR. HUGHES: My name is Michael Hughes, this is my wife, Stacey Hughes. We would like to tear down our existing garage structure and essentially double the size of the footprint and doing so creating an in-law suite for my wife's parents. Her father has Alzheimer's and her mother is wheelchair bound, 90 percent wheelchair bound. We have looked into assisted living facilities and they are completely cost prohibitive given the expense of their needs basically. We have looked at purchasing homes with an in-law apartment, in-law cottage on the premises and haven't found anything not only within our price range but they are very hard to come by. This is essentially our last ditch effort on our part to take care of my wife's parents.

MR. KANE: What you're proposing is extremely difficult and I will get to that. We have had a lot of people come in front of us where we have the second family kitchens, you know, two kitchens in a home and the people are moving into the main home themselves and really don't have an issue with us and that becomes rather I don't want to say easy but it's a decision that we can make here as a board. What you're requesting with a separate unit on the property then makes it two single family homes on one lot which is basically what you need is not just a variance but a

use variance. A use variance as dictated by New York State there's five requirements that you have to meet, one that it is not self-created, extremely hard to match. And I will say the one that really blows people out of the water is that you cannot, that you can't show the ability that you can't sell your property for a reasonable return. That doesn't even mean a profit, it means a reasonable return for an existing use which means as a single-family home so you would have to come before us with a specialist showing us that you couldn't even sell your house on the market as a single family house. Do you follow? It's a little complicated.

MRS. HUGHES: As it is now?

MR. KANE: As it is now, yes, to get a use variance. And that's what having two separate residences on one lot is, it's a use variance, it's not just an area variance which is what we deal with most of the time, sometimes we get use variances becomes extremely difficult to prove.

MR. HUGHES: We don't intend to put a kitchen, we don't intend to make this an apartment as such.

MRS. HUGHES: Or another single family home as you're calling it, it's basically going to be a bedroom, living room, bathroom.

MR. KANE: Is it going to have a--

MRS. HUGHES: I'm providing all the meals, they can't cook.

MR. KANE: It's going to be under the same gas and electric in there or separate or same meters that's in the house?

MR. HUGHES: Truthfully, whatever works for the board is the way we'll go. If we have to run a line from the house to there.

MRS. HUGHES: Well, there's electric and water to the garage from the house.

MR. HUGHES: But if that's what it would take that's what we would do, we'll be hooking into the same sewer line.

MR. KANE: Honestly, it's not something that we don't want to work with you, it's a way of finding a way to make it work so that's both legal and doesn't require a use variance to it. I think it's going to take a little bit more research on our part to make sure what fits or doesn't fit. Frank?

MR. BEDETTI: Or what other options he may have to essentially take away the two house concept, whether it's an attached part of the house, existing house, in other words, modifying the existing house in such a way that--

MR. KANE: It could be that the law reads even if it doesn't have a kitchen and a bathroom then it's a living area, hence being a living area there's two, they are two separate living areas on one property where a single-family home is supposed to be.

MR. HUGHES: We possibly could run a breezeway.

MR. KANE: If you ran a breezeway talking to the building department that could combine the two things therefore making it one home. That's been in front of us in, you know, varying votes by everybody that that's a doable thing but having it separate with no connecting piece that makes it extremely difficult for us and I just don't see a, and I've been doing this almost 20 years, I don't see a way around not calling it some kind of a use variance. And it's, you know, we do have a reputation for being a little lenient but there's certain things within the law that we have to do the right thing with, you know, and a breezeway would certainly I think make this an easier application. So if part of when you go public and you have plenty of time to do that it's not going to cost you any money when we go to a public meeting if you can bring in something that's going to show that a breezeway is being built to attach these two individual things making it one spot and you're not needing any kind of variances for the sides since it's attached now becomes one home so you still have to have 25 on the side your particular property calls for. Follow?

MR. HUGHES: I think we'll go with the breezeway then.

MR. KANE: So you would need to have all of that information available for us for the public hearing so we can see that that's being built and that's part of it and I think that would make the application more

viable.

MR. HUGHES: Would you need that on a blueprint? Would you need just written word that that's going to be done?

MR. KANE: We would need to see that on a blueprint because that would actually to be honest I feel that that would probably have to go in front of the building inspector to get a permit to do it.

MRS. HUGHES: Twenty-five feet?

MR. KANE: Yes, one of the reasons you're here is for 33 feet in the back because the rear variance which even if you attach it you're still going to need that so we just want to make sure all your other things you may not need anything else, I'm not saying, I haven't looked at it closely how it sits on your property but this particular building does sit closer to the road than your main building?

MRS. HUGHES: It's further back.

MR. KANE: So we don't have to worry about that so it is the back and the 33 that you'd still need so I would say that since you have to be turned down for a building permit or such to even come in front of us that you would need to have a blueprint and put it in front of the building inspector and just make sure everything is good with him and there are no variances that might be needed for that, I can't off the top of my head think of anything that would be but I don't want you to run into any other problems so we should square it away up front.

MR. HUGHES: Sorry?

MR. BEDETTI: I was just going to suggest that when you're designing that so-called breezeway it's actually incorporated as part of the living space, I mean that makes it much more palatable.

MR. KANE: Definitely enclosed.

MRS. HUGHES: Like a patio.

MR. KANE: Enclosed makes it part of the house. If it is just put up some poles with a roof on top of it not going to cut it but an enclosed where it would be like

an enclosed porch that would flow.

MR. HUGHES: Okay, this is my drawing in front of you, would that be acceptable or I'm thinking if I go get an architect to get the drawing done it could drag things out.

MR. KANE: I think as far as the breezeway you would really have to talk to the building inspector about that, that's not my forte to see what they need in the way of plans to have something like that built, you know, it's not something we could bypass cause even if we give you the ability to do something you still have to pass all their inspections and meet their standards for it to, you know, to get a C.O.

MR. BEDETTI: They may have to go before the planning board too.

MR. KANE: Possibly, I don't think so but he is the right person or she is the right person to talk to about what you would need for the breezeway, that's Jen, the building inspector, yes and she'll give you a good idea of what you need as far as putting a plan together to get that done and connect these spaces and then she'll tell you anything else that you need as far as making these rooms, you know, up to code so that you can get a C.O. on it.

MR. HUGHES: Okay cause what I was hoping to do was to actually have a modular built which would really simplify things and we're under the gun as far as time goes because they are living in an independent living facility in Cornwall and their lease is up May 1st so we're really under the gun as far as time. That's why I was going to go to the modular.

MR. KANE: You would have to speak to them. I can't speak to how, what qualifies what they would need as far as plans.

MRS. HUGHES: What would be our next step from here?

MR. KANE: Once you see the building department and that we're going to set you up and, you know, I believe that we will set you up for a public hearing here and you'll have everything you need from us to go to the next step, you know, and there you've got to just go down and see the building inspector, get on board and see them right away as to what you would need to get a

permit for a C.O. for a breezeway to go between the main home and the additional building and make it one place. I have no idea what that costs, honestly see that as the only way out because to have it as a separate building is, there's no way you don't need a use variance that's not the proper English but extremely, extremely hard to prove, almost impossible. And again, the one thing that would knock you right out forgetting the four other questions would be the proof of reasonable return on the property for an approved use in that area and reasonable return. But New York State standards doesn't mean make a profit, that means you can't even sell your home at a loss where somebody could use it as a single-family home, very tough to prove. There's area you can go into Ducktown where we have had some very unique situations where things have come up but it's a process and that one is very regimented by New York State, certain rules and requirements that we have no leeway we have to absolutely follow.

MR. HAMEL: Let me just throw something in here, you have sewers there?

MRS. HUGHES: Yes.

MR. HAMEL: I think before you go to the building department I would go to a reputable builder in the area and see what his idea is to make it economical because if you're going to put a separate building you may have to go with a separate electrical service which is going to be expensive and you're also going to have to go with a separate sewer and chances are you won't be able to even tie into the existing sewer. So I think you need to do a little bit of homework on the best way to do it and the most economical way to do it and then go to the building department from there. That's my recommendation.

MR. HUGHES: Just curious cause I know where the sewer line comes out of the house and it's a perfect line.

MR. HAMEL: How do you hit it, how are you going to tie into it?

MR. HUGHES: Well, it literally would almost be a straight line from the new bathroom right to the existing sewer line.

MR. KANE: Connect where you tie into it.

MR. HAMEL: There's a little more to it.

MR. KANE: That's where talking to the building department and presenting the plan up front they'll tell you what you will need to do and then take the next step to find out.

MR. HAMEL: See if you can tie right off the existing and use the same meter because it's attached, you'll save a lot of money that way, maybe just switch out your meter.

MR. HUGHES: Very good.

MR. BEDETTI: Just understand that these variances are granted to the property, not to the necessarily to the individual and your individual situation cause once that's all over with that property still has this variance on it and somebody else if you sold the house somebody can rent out the other apartment. So, I mean, it has nothing to do with you personally just the way the law's written.

MR. KANE: A lot of people are in the situation that you're in and they have been in front of us, they have added to homes, they have made it but the old mother daughter type situation they come before us and we square everything away so everything is legal and safe so it is not an unusual thing, it's just the way that you want to go about it.

MR. HUGHES: In our situation we have four children so makes it tough to just add on to the house.

MRS. HUGHES: I don't know if you have ever heard of the med cottage, that's something someone's come up with where they are trying to help with this baby boom population that's coming into the age situation where the adult children are going to have to start trying to help kick in, otherwise, they are going to overwhelm the system. So more and more adult children are going to have to try and take care of their parents and the med cottage is a designed unit, it's a 12 x 24 trailer a nursing home unit that you would put on the back of your property and they are trying to get it to pass zoning to hook it into the plumbing and the electrical of the existing family.

MR. KANE: Sounds like a viable way to go. Again in

our situation I think the breezeway, an enclosed breezeway covers that and basically makes it one home and you don't have two separate buildings on the property which is the real stickler at this point.

MR. HUGHES: We'll speak to the building inspector about it.

MR. BEDETTI: You're going to demolish this garage?

MR. HUGHES: Just demolish it.

MRS. HUGHES: Just to make it a little more solid, it's an old garage.

MR. KANE: And the placement of that is you're going to need a 33 feet variance so you would have 17 feet from the back of the modular that you're going to put in to the rear property line.

MR. HUGHES: Seventeen feet seven inches, yes.

MR. KANE: Okay.

MS. JULIAN: I have a question, just the breezeway will make it so there's no use variance?

MR. KANE: That's I believe so.

MS. JULIAN: This is what we're aiming for?

MR. KANE: Yes.

MR. BEDETTI: It should certainly be designed in such a way that there's no ambiguity.

MS. JULIAN: Part of the house.

MR. BEDETTI: It's an extension of the house.

MR. KANE: That's the only idea I can come up with that would make that situation viable. You can see we really like to work with people and have them use their property but we have to find a way to do it that's legal and good for the town too. The other thing is that where that's going to be if you could provide for the public hearing pictures of the back yard just so that we can see the back where the 17 feet is and showing the neighbor behind how far off they are from that back rear property line, okay, there's one of the

garage and one inside, yeah, in the back behind the garage show us that 17 feet.

MR. HUGHES: Okay.

MR. KANE: Any other questions guys? I'll accept a motion.

MR. BEDETTI: I will make a motion that we schedule a public hearing for Michael Hughes for a proposed addition for an accessory apartment and a rear yard setback variance request for 228 Parkway Drive in an R-4 zone.

MR. HAMEL: I'll second it.

MR. BEDETTI: I just want to add to that that pending your revisiting the building department and getting some resolution.

MR. KANE: Right, because honestly if you walked in with what you had right now there's no choice, there's no choice for us because it's, it takes a lot of effort to get any kind of a use variance, you're talking about lawyers get involved, that's our first recommendation to people having realtors come in and appraise properties, show values, it's a quite a process.

MR. HUGHES: Oh, all right

MR. KANE: Thank you.

MR. HUGHES: I appreciate it.

MR. HAMEL: Second it.

ROLL CALL

MR. HAMEL	AYE
MR. BEDETTI	AYE
MR. KANE	AYE

(Whereupon, Mr. Krieger entered the room.)

PUBLIC HEARINGS:VINCENT SATRIANO (11-04)

MR. KANE: Vincent Satriano, a vacant lot for proposed one family dwelling which is on a corner lot does not meet minimum lot size. A variance is requested for 33,560 square feet. The lot also needs variances for both front yard setbacks of 20.5 feet each, rear yard setback for 5.5 feet, minimum lot width of 25 feet located at 9 Goodman Avenue. Is there anybody in the audience here for this particular hearing? Okay.

MS. JULIAN: These are the pictures that you requested.

MR. KANE: We're going to bring a sheet, just put your name and address for the stenographer. When the time comes you'll get to ask your question or speak or whatever is needed at that time, okay? Same as preliminary, tell us what you want to do.

MR. SATRIANO: So I'm looking to build a single family home on my lot, that's pretty much it. I own the home in Ducktown now and I want to build a home on this lot. It's, I understand it's 100 x 100 lot the original zoning in Ducktown I believe was 50 x 50 so by the existing standards of the area this lot is already twice the size of almost every lot in Ducktown and I understand the zoning has since changed but I'm only looking for the use of the one lot, I'm not looking to put more than one home on it.

MR. KANE: So you're not changing the character of the neighborhood?

MR. SATRIANO: No, like I said, in fact, almost every home in the area's built on a 50 x 50 lot, most of the homes we're built in the '40s and '50s so this lot being 100 x 100 as it sits would stand to be one of the largest lots in the area and there's a corner lot so you have 100 feet on two separate road frontages.

MR. KANE: Any cutting down of substantial vegetation or trees?

MR. SATRIANO: No, in fact, I took pictures from every angle, both road frontage from the rear of the property, the photos that you have on Goodman Avenue would show the front of the house, the lot in itself almost has no trees on it, there's some trees along the

road frontage we probably which a lot of them are, probably need to cut down, I mean, one to three maybe depending on where the driveway landed but the lot right now is completely cleared and manicured.

MR. KANE: Create any water hazards or runoffs?

MR. SATRIANO: I don't believe so.

MR. KANE: You'll have your chance to speak. Any easements running through the property itself?

MR. SATRIANO: No.

MR. KANE: Have you decided at all on the size of the home that's going to go in there?

MR. SATRIANO: Not particularly, I mean, as I initially said probably something on the order of, you know, three to four bedroom ranch probably in the, you know, 12 to 1,500 foot range, I mean, something that's comparable to what's in the neighborhood.

MR. SATRIANO: So no mini McMansion going in?

MR. SATRIANO: Absolutely not, don't want it, can't afford it, just a single-family home probably not, I mean, probably and I haven't sat with the builder but probably not even two story, just a ranch probably.

MR. KANE: Frank, any questions?

MR. BEDETTI: With regard to the front and rear yard variance request, there's no way you could adjust the positioning of the house to minimize those variances in any way? I mean, I realize that, you know, with the lot area requirements and the change in the code that those are not, can't do much about that.

MR. SATRIANO: What I did was I went to the original surveyor who had done work on this property some years back when someone else owned it so I kind of asked him what would be the easiest and best way to put a house on the lot cause we could have turned the house and put it on Lawrence Avenue on the other corner but just the looking at the grade of the land and kind of, you know, the way the property slopes a little bit cause it's a little higher on the Lawrence Avenue side than on the Goodman Avenue side, the surveyor who's most familiar with the property felt the easiest and best way with

minimal disturbance to put the house would be to put it that way. I mean, I'm open, I really don't have a preference, I think it looks nicer on Goodman as opposed to Lawrence.

MR. KANE: Even if you turned it on that with the dimensions if you're looking at since he has two front yards you're going to short it on the rear and we would be looking at a rear yard variance.

MR. BEDETTI: Front and rear shortage so you can't move it back and forth.

MR. SATRIANO: It's 100 x 100 lot so no matter how you put it.

MR. BEDETTI: Yeah.

MR. KANE: Look at the minimum amount of variances.

MR. SATRIANO: Just seemed to me that Goodman Avenue was a lot shorter of a road than Lawrence so it just kind of seemed like there was less traffic and have the house face that way, the surveyor felt that it just made the best sense so I went with it.

MR. KANE: Further question from the board at this time?

MR. HAMEL: Yes, the other houses are they basically the same as you're looking to build are most of them ranch houses?

MR. SATRIANO: There's a lot of, you know, masonry I guess they look like they are probably, a lot of homes are built in the '30s, '40s and '50s so they are not necessarily a ranch or bi-levels, they are kind of I guess they could be defined as capes, they look like they have bedrooms on the first floors and bedrooms on the second floors type thing, they are not necessarily conventional homes that you see built now today, my home on Lawrence Avenue is a colonial, probably one of the largest homes in the area so it certainly wouldn't be anything like that, something like the smaller homes that you see in the neighborhood.

MR. KANE: Town water and sewer?

MR. SATRIANO: Yes.

MR. BEDETTI: I think it would be appropriate to apprise the applicant that there's three of us here.

MR. KANE: Yeah, I will at the end.

MR. BEDETTI: Just wanted to remind, thank you.

MR. KANE: Okay, I think what we'll do is ask Nicole how many mailings we had so we have a general idea.

MS. JULIAN: On the 15th day of March, 2011, I mailed out 90 addressed envelopes with no written response back.

MR. SATRIANO: I only had one return, I have it with me.

MS. JULIAN: I'll take it.

MR. KANE: At this point, I'm going to open it up to the public, I will ask you to come forward, speak loud enough for this young lady to hear you and just state your name and address, come on up and ask away.

MS. FOSTER-FAITH: My name is Rebecca Foster-Faith, I live at the property 14 Goodman Avenue directly opposite where this proposed construction is going to take place. My concerns are several. first of all, I look all let's start with the rear yard setback there's 50 feet required and he's asking for 45.5, I'm going to--

MR. KANE: He's asking for 5.5.

MS. FOSTER-FAITH: I think that's perfectly acceptable, you know, for my purposes I think that's a case of I just need a little bit and that's okay, however, the two front yards that's corner lot are asking for substantial setbacks, you know, minimum is 50, I'm sorry, minimum is 45 and he's asking for an additional 25.

MR. KANE: He's asking for 20.5.

MS. FOSTER-FAITH: So he's not asking for a little bit there, he's asking for quite a lot and that's my concern that it's not going to be in keeping with the reason you have those setbacks so that you have, you build something that's within the size of the lot, you see what I'm saying, it becomes a usable space for the

people.

MR. KANE: So but you do realize that in keeping with that and in keeping with the rear yard setback that proposal would equal a 10 foot wide house?

MS. FOSTER-FAITH: Yes, you're talking to a person with a 9 foot wide living room so 9 feet wide, 27 feet long.

MR. KANE: There's not another room, your house is 9 foot wide?

MS. FOSTER-FAITH: No, there's another width there but I'm saying what he's asking for is much greater than the little bit that we see on the rear yard. The other thing that I am concerned about is and I understand you went to as maybe as an economic issue but what you have turned in here says proposed two story 3,000 square feet and I hear what you're saying you want to build, you know, 1,500 square feet, three, four bedroom ranch but if this zoning is approved you could build up to two stories because it's what's written, not what's said. That's, we have to go with what's written and many, many, many a lawyer has probably used what's written as opposed to what was said against other people.

MR. KANE: Are you willing, sir, to commit to a single-family home one story house?

MR. SATRIANO: Absolutely, instead of limiting myself to one story I'd rather limit myself to footage. So if I decide there's a set of plans that my family would prefer two stories and not have 3,000 square foot, you know, but have, you know, 2,000, I mean whatever I, that would make me more comfortable than limiting the amount of stories cause most homes there have two stories so it wouldn't be out of character of what's in the neighborhood.

MR. KANE: What do you think the average size home square footage is in the neighborhood?

MR. SATRIANO: My house right next door is 3,200 square feet.

MS. FOSTER-FAITH: A thousand.

MR. SATRIANO: It's the existing home that's been there without addition built in 1930.

MR. BEDETTI: On what size lot?

MS. FOSTER-FAITH: I'm directly opposite 14 Goodman Avenue and as a matter of fact my house is the blue house you can see in the pictures, you can see a blue house.

MR. SATRIANO: Just to make an additional point on the size of homes, my home is 3,200 square feet is on a lot that's 25 feet smaller than the lot that I am seeking a variance for, my home is on a 75 x 100 and it's 3,200 square feet and two stories.

MS. FOSTER-FAITH: Well, I mean, that actually leads me to my last point and that is this site plan I think only tells half the story that you guys have to consider because basically, what he is talking about is subdividing an existing lot into two different lots, okay.

MR. SATRIANO: It's already two lots, I'm not requesting a subdivision.

MR. KANE: He's not here for any kind of subdivision, it's one standing taxable lot.

MR. SATRIANO: There are no subdivisions.

MR. KANE: He wouldn't be in front of us for a subdivision, he would be in front of the planning board, it's one single taxable lot.

MR. BEDETTI: It's 100 x 100.

MS. FOSTER-FAITH: Which you get tax bills and the people before them they got two separate tax bills.

MR. KANE: One, as one big lot.

MR. SATRIANO: This lot is 9 Goodman has nothing to do with any other lot.

MS. FOSTER-FAITH: But when--

MR. SATRIANO: I don't know who subdivided it, this lot that I am requesting is one lot, got its own section, block and lot and own address, I'm not asking for a subdivision, it's one lot.

MR. KANE: Just happens to be double the size of the other lots that are in that neighborhood but it's one tax lot, there's no subdivision going on here.

MS. FOSTER-FAITH: So the property that the house is currently on because this--

MR. SATRIANO: That's a separate lot.

MS. FOSTER-FAITH: Do you own that lot as well?

MR. SATRIANO: That's a whole separate house and lot, has nothing to do with this at all.

MS. FOSTER-FAITH: My concern is this information here then is going to affect that second lot where the house currently is because where that house currently is that was the property we're talking about was the yard for that house so now that house will no longer have a yard.

MR. SATRIANO: It doesn't right now.

MR. KANE: Ma'am, that house stands on its own merit, it has nothing to do with this piece, other property happens to be owned by the same owners but it's there grandfathered in that it doesn't need anything else, it stands on its own merits, it has nothing, no legal requirements or attachments with this particular property next door to it.

MS. FOSTER-FAITH: All right, I mean, I have said my concerns pertaining to the size of the house and you have heard them as well as my concerns about the setbacks being the two front yards, you know, being excessive to what the requirements are.

MR. KANE: Yes.

MS. FOSTER-FAITH: Thank you.

MR. KANE: Thank you. Question?

MR. BEDETTI: No, just had one question. What are the setbacks on your house relative to your front and rear property?

MS. FOSTER-FAITH: I have no idea, my house was built in 1960 by a mason, I have not made any additions, subtractions, multiplications, divisions.

MR. KANE: In requesting the front yard variance talking about the front yard where the proposed front of the house will be, is the front of the house going to extend closer to the road than the other homes on that block or are we going to have a straight line going down the block?

MR. SATRIANO: Yeah, I can't imagine putting any house closer to the road than the other houses that are on the block. So I could put it as close or as far as you'd like, it's a nice, like I said, this lot is 100 x 100, it's bigger than--

MR. KANE: We do not want anything sticking closer to the road.

MR. SATRIANO: I wouldn't want my house closer to the road, I would want them at least as far as back or further.

MR. KANE: You would have no problem if there was an approval with that being a stipulation?

MR. SATRIANO: I have no concern with that whatsoever.

MR. KANE: Other questions, ma'am?

MS. FOSTER-FAITH: Not from me, thank you.

MR. KRIEGER: Some of the things you said I have a couple questions of the applicant.

MR. KANE: I'm going to let the other person speak. Sir, your name?

MR. BLANCO: My name is Alcides Blanco, I live at 87 Merline Avenue, I will be the house just next to the garage or actually behind the gentleman's half of his driveway. One of my concerns like the gentleman here mentioned before is drainage. You see that he's mentioned before it as a slope you probably not being in our neighborhood when it rains but when it rains hard that water runs all the way down, it has created my problem now in my back yard and my basement my concern about building this house also so close to my property line is that it's going to, these problems are going to get worse. Second, the gentleman's statement there's no traffic the way his driveway's going to be put that it is not so because all the Goodman, Lawrence

and all up the street all the kids comes to the corner of Merline and Goodman cause that's where the bus stop is, it's substantial traffic through the area. I wish I was prepared, I just flew 36 hours from Iraq and I just saw the letter and I just grabbed the letter to come here. I wasn't prepared, I usually do research to what I am going to speak about or the information, all I had was the letter from the town from, that's why I am here, I wish I had more information but I did not have the time.

MR. KANE: He's not, from where your home is he's not requesting any variance to put it closer than any other home that could be built on that piece of property. So there's no variance on your side requested on that. Would you like to see this? I will show you right here, sir.

MR. BLANCO: Yes.

MR. KANE: This is the side he needs a front yard variance over here because it's road frontage and New York State it's considered a front yard even though it's the side of the house there's the front, he's requesting a front yard variance here and a front yard variance here even though it's technically I mean it technically is a front yard but not really. Here's your side, there's no variance being requested here so he's not moving the home any closer to the property than what's legally allowed. Now, do you know to your knowledge does this property here flood?

MR. BLANCO: Yes, it does.

MR. KANE: It takes standing water to it?

MR. BLANCO: Yes, matter of fact with the past rainy, wish I brought, I got, my daughter has pictures of ducks swimming on the water that's here.

MR. SATRIANO: I don't see how that's possible, it's a manicured green lawn.

MR. BLANCO: I have been living on that property 22 years, you just moved in or you're planning to move in.

MR. KANE: Okay, any other questions, sir?

MR. BLANCO: No other questions.

MR. KANE: Andy, let me just do this. Anybody else from the public for this particular hearing? No further questions, okay, at this point, we'll close the public portion of the hearing, bring it back to the board. Andy?

MR. KRIEGER: Yeah, now who neighbors your property, who owns the neighboring properties immediately not across the street?

MR. SATRIANO: I haven't met any of the neighbors this evening.

MR. KRIEGER: No, on, not on the road side but on the other side you own one parcel?

MR. SATRIANO: Right.

MR. KRIEGER: How many parcels are there neighboring yours?

MR. SATRIANO: Zero, well, I own one side and then there's one house directly behind me which I understand is this gentleman's and then I have two road frontages so there's no neighbors there.

MR. KRIEGER: So the only contiguous neighbors?

MR. KANE: Sir, we don't do that here, public had a chance to speak.

MR. KRIEGER: Yours and?

MR. SATRIANO: Myself is one and the two road frontages and this gentleman's house is in the rear.

MR. KRIEGER: The one that you own, how big is the lot?

MR. SATRIANO: It's 75 x 100.

MR. KRIEGER: And what's on it?

MR. SATRIANO: One-family house.

MR. KRIEGER: Thank you, Mr. Chairman.

MR. KANE: Further questions from the board?

MR. BEDETTI: Relative to the contour of the property does the contour of the property slope back towards--

MR. SATRIANO: It's the highest point, I mean, I have yet to ever see a perfectly flat piece of property. The highest point of the property is Lawrence Avenue but it's generally and I took pictures from every corner possible including the rear of the property, it's generally a flat parcel you have at least six photos of the entire lot submitted.

MR. BEDETTI: Well, I just have one photo.

MR. SATRIANO: I can show you the other ones if you'd like.

MS. JULIAN: No, I have them here.

MR. BEDETTI: I mean other than digging a foundation are you planning on changing the contour of that property in any fashion?

MR. SATRIANO: Only in accordance with what a developer or engineer would tell me, no, one of the things I found have appealing about the lot is it's almost entirely cleared and it is relatively flat.

MR. BEDETTI: Where do you live relative to the lot? That's you on the aerial?

MR. SATRIANO: Yeah, my house is here.

MR. KANE: What we normally do is, we have three members here tonight. We normally have a five person board. And I always give the applicant the opportunity to have us table a vote till the full board is here or you could go with the vote of the people that are here now. No matter which way you go three yes votes is required so if we did it tonight it would have to be a unanimous vote to pass.

MR. SATRIANO: Is it either or?

MR. KANE: It's either or.

MR. SATRIANO: Well, I think I would wait and try to get best of five.

MR. KANE: Well then I'll accept a motion in a minute to table the vote on it until we have a full board here but would I also request that the motion's going to contain that the home, the front of the home the actual

front of the home extends no closer to the road than any other home that's on Goodman Avenue and that the size of the home does not exceed 2,000 square feet.

MR. SATRIANO: I don't have an issue with that. My only concern is if I may, I have two questions number one so I understood it right in terms of the vote, you're not suggesting that we can take a vote and if we don't have three?

MR. KANE: No, no, no.

MR. SATRIANO: So we need three, okay, I just want to make sure.

MR. KANE: No, there's no test vote.

MR. SATRIANO: Just wanted to make sure I understood.

MR. KANE: Whenever we have a full board.

MR. SATRIANO: In terms of limiting the square footage again I have not even had house plans drawn up with an architect, what generally is before I commit to 2,000 or 1,500 or 3,000 I didn't ask for the 3,000 I just went to the original surveyor who worked on this lot historically and this is what he had there so I submitted that.

MR. KANE: I think what this will do is give you an opportunity to research that and come back and before we actually make the motion for the vote we'll let you propose square footage based on some real information so that we can be fair to the neighbors that are there and also allow somebody to build a home on a sizable piece of property that, you know, should be usable.

MR. SATRIANO: Yeah.

MR. KANE: So I think that's the fair way to go about it so pulling 2,000 off the top of my head is, you know, just a general, my home is 1,700 square feet, I don't happen to live in Ducktown, but it's a decent sized home so I think this will give an opportunity to do some research on that.

MR. BEDETTI: My only question is if we're going to table the vote why are we applying any limits?

MR. KANE: Well, I'm just going to take, I'm not going

to put any limits on it, I wanted to bring it up beforehand so he doesn't walk in cold when everybody is here and that he understands that I am going to ask for some kind of limitations on the square footage of the home.

MR. SATRIANO: That's fine.

MR. KANE: And definitely that the home doesn't extend closer to the road so what I am asking for now is just a motion that we table our discussion until we have the full board here and then at that point we'll accept a motion with any kind of restrictions that we want at that time.

MR. KRIEGER: Do I understand the second condition that you want to put in if it's ultimately approved is 2,000 square feet unless it is, unless you say differently at the next hearing?

MR. KANE: That's correct.

MR. KRIEGER: I can put it in my notes as 2,000 square feet and you'll amend as necessary?

MR. KANE: Amend as necessary when the full board is here, I think that's a fair way to go about it, it gives him a chance to do a little research on home size.

MR. SATRIANO: I'm probably good with 2,000 square feet because if I end up doing a bi-level but I just want a chance to talk to an architect and say if we're doing this if it's 2,100 am I going to be in trouble with it?

MR. KANE: Right, okay, so I'll just accept a motion to table our discussion till the next, the April 11 meeting. Is that enough time for you?

MR. SATRIANO: Absolutely, I understand I don't need to do much except for find out the sizes of homes, I'm going to grade to the setback on the front because, agree to the setback on the front because that's not an issue so yeah.

MR. KANE: So, well, I'll accept a motion to table the discussion until the April 11 meeting.

MR. BEDETTI: I will make the motion that we table the vote for Vincent Satriano for 9 Goodman Avenue in an

R-4 zone till the full board is present.

MR. KRIEGER: Wait a minute, you asked for a specific date, you said till the full board is present which may or may not be on that date. My suggestion is what's been done in the past table to a specific date if at that point you want to further table it fine but other than that, I don't like to have introduced into the record vagaries or uncertain--

MR. SATRIANO: Are we expecting a full board?

MR. KRIEGER: Say again.

MR. SATRIANO: Is there supposed to be a full board?

MR. KRIEGER: There's supposed to be but the board members will not know until that actually that night actually cause and the other thing is I don't want, you may have a board member coming in at the last minute who said they weren't going to be there, if we don't table not only there's another reason for tabling to a specific date, if the board tables it to a specific date you have an opportunity to be here and it doesn't go without your presence. If there's a full board the next time and there may be and the motion were phrased that way, this board would be obligated to vote whether you're here or not. Now all of a sudden I shouldn't think it would be in your interest to have the vote occur when you're not here.

MR. SATRIANO: May I ask also is that also a public hearing?

MR. KANE: No, public hearing is closed.

MR. KRIEGER: It's a public hearing night but there's no public hearing on this.

MR. SATRIANO: I have no other questions.

MR. KANE: This is a further discussion by the board and then a vote.

MR. SATRIANO: All I need to do any research on the size of the house and that's it.

MR. KANE: That's correct.

MR. SATRIANO: Thank you.

MR. KANE: I need a second.

MR. HAMEL: Second it.

ROLL CALL

MR. HAMEL	AYE
MR. BEDETTI	AYE
MR. KANE	AYE

ANGELO & ROSA ANNA ZINGAROPOLI (11-05)

MR. KANE: Next public hearing is Angelo and Rosa Anna Zingaropoli for existing attached 17 x 15 foot rear

yard setback does not meet minimum side and rear yard setbacks. The variances requested are for minimum side yard setback of 29 feet and for the rear yard setback of 12 feet located at 405 Mt. Airy Road in an R-1 zone. Hi, come on up.

MS. ZINGAROPOLI: My name is Rosa Anna Zingaropoli, I'm at 405 Mt. Airy Road in New Windsor 12553.

MR. KANE: Okay, same thing as the preliminary hearing. And to your knowledge with the proposed deck, how long has the deck been there?

MS. ZINGAROPOLI: Since I lived there.

MR. KANE: Approximately?

MS. ZINGAROPOLI: I'm sorry, 25 years.

MR. KANE: And was there a, it was there previous to your occupancy?

MS. ZINGAROPOLI: Yes.

MR. KANE: To your knowledge, has there, was there any cutting down of substantial trees or substantial vegetation?

MS. ZINGAROPOLI: No.

MR. KANE: Create any water hazards or runoffs?

MS. ZINGAROPOLI: No.

MR. KANE: Has there been any complaints formally or informally about the deck in the years that you have been there?

MS. ZINGAROPOLI: No.

MR. KANE: Now, are there any easements running through the area where the deck is, easements on your property, right-of-ways?

MS. ZINGAROPOLI: No.

MR. KANE: Okay, you also understand if the variance is approved by the board tonight that you are still subject to being approved by the building department and meeting all their standards?

MS. ZINGAROPOLI: Yes.

MR. KANE: Is the size of the deck similar to other decks that are in your neighborhood?

MS. ZINGAROPOLI: Yes.

MR. KANE: Further questions from the board right now?

MR. BEDETTI: I have no questions.

MR. KANE: At this point, I will ask Nicole how many mailings we had.

MS. JULIAN: On the 15th day of March, 2011, I mailed out 22 addressed envelopes with no written response.

MR. KANE: Anybody in the audience for this particular hearing? Showing that there's not, we'll open and close the public portion of the meeting and bring it back to. Andy, question?

MR. KRIEGER: Did you want to ask the applicant about whether there was access to the, from the house to the deck and whether without the deck it would be a safety issue?

MR. KANE: The deck is, you have a sliding patio door off your home onto the deck or a regular door?

MS. ZINGAROPOLI: I have a steel door, like a steel door and then I have another door.

MR. KANE: If the deck wasn't there, could you safely step out of that door to the property?

MS. ZINGAROPOLI: It's up high.

MR. KANE: That answers the question.

MR. KRIEGER: Person exiting the house would be likely to sustain serious physical injury without the deck?

MS. ZINGAROPOLI: Yes.

MR. KRIEGER: Okay.

MR. HAMEL: It's at least seven foot high.

MR. KANE: Further questions from the board? I'll accept a motion.

MR. HAMEL: I'll make a motion that we grant Angelo and Rosa Anna Zingaropoli for a variance as requested for the rear deck.

MR. BEDETTI: I'll second it.

ROLL CALL

MR. HAMEL	AYE
MR. BEDETTI	AYE
MR. KANE	AYE

MS. JULIAN: Next your steps for the building department.

DISCUSSION

MR. KANE: We have nothing to vote on tonight so we, Nicole, we had results for the voting of the chairman?

MS. JULIAN: Yes.

MR. KANE: Speak up girl.

MS. JULIAN: Kane four, Bedetti one.

MR. KANE: I think when the full board's here we'll talk about having a vice chair, somebody that will sit in in case I'm not here. I believe that we want to keep Andy and Nicole in their current positions, that would be my vote.

MR. HAMEL: Yes.

MR. BEDETTI: Yes.

MR. KANE: So we'll vote on that, take a vote. I made the motion.

MR. BEDETTI: Second it.

ROLL CALL

MR. HAMEL	AYE
MR. BEDETTI	AYE
MR. KANE	AYE

MR. KANE: We'll discuss the vice chair next month.
Motion to adjourn?

MR. BEDETTI: So moved.

MR. HAMEL: Second it.

ROLL CALL

MR. HAMEL	AYE
MR. BEDETTI	AYE

MR. KANE	AYE
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Respectfully Submitted By:

Frances Roth
Stenographer